



Memorandum

TO: CITY COUNCIL

FROM: Mayor Chuck Reed

Vice Mayor David D. Cortese
Councilmember Pete Constant

**SUBJECT: IPA AUTHORITY &
GRAND JURY RESPONSE**

DATE: September 14, 2007

Approved

Date

Chuck Reed *Pete Constant* 9/14/07

RECOMMENDATION

1. Accept the City Attorney's memorandum on the Independent Police Auditor's Authority and Legal Issues responding to Council direction on June 21, 2007. Direct staff to amend the Municipal Code to include the April 27, 2004 Council approved IPA process.
2. Direct the Police Department, with the participation of the Independent Police Auditor (IPA), to review in-custody deaths for precautionary purposes. This direction is subject to the meet and confer process.
3. Accept the response to the Civil Grand Jury report entitled "Police Misconduct May Be Underreported," as authored by the City Manager and the City Attorney. Authorize the submittal of this report to the Grand Jury.

BACKGROUND

Current SJPd practice is to review all officer-involved shootings resulting in injury or death through the SJPd Officer-Involved Shooting Incident Training Review Panel. This precautionary and remedial in nature review includes the IPA. A similar, strictly remedial review for in-custody deaths would either expand the scope of the current panel or lead to the creation of a new panel. Membership in a new in-custody death review panel is outside of the IPA's authority and would be subject to the meet and confer process.

On June 28, 2007 the Santa Clara County Civil Grand Jury (Grand Jury) provided the City with its report: "Police Misconduct May Be Underreported." The City Manager and City Attorney authored the response to the Grand Jury report and used as their framework the Council recommendations from the June 21, 2007 special council meeting on police reports. Therefore, this report reflects the unanimously approved recommendations of the City's elected officials.